



Docket No.: 1086.1124

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Hideshi SAKURAI, et al..

Group Art Unit: 2662

Serial No. 09/714,295

Examiner: Lee Khuong

Filed: November 17, 2000

Confirmation No. 4922

For: METHOD AND APPARATUS FOR RELAYING PACKETS BASED ON CLASS OF SERVICE
(as amended)

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner provided a Statement of Reasons for Allowance in which the Examiner indicated that some of the claims were allowed based on certain features.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

In the statement, the Examiner characterizes certain features of identified claims were the Examiner states that the "prior art failed to teach." It is submitted that the Examiner's statement is not an accurate quote with respect to each of the allowed claims. It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is submitted that the claims provide their own best evidence as to the reasons for allowance.

With respect to one of the claims, (see page 2) the Examiner has provided a comment isolating a portion of the claim. It is submitted that the use of such emphasis in the reasons for allowance is improper in that it provides certain emphasis which might "place unwarranted interpretations, whether broad or narrow, upon the claims" (M.P.E.P. §1302.14).


It is submitted that the claims are not constrained by such improper comments, statements and incorporation from the specification by the Examiner (particularly the improper attempt to incorporate the equations into the claims), and that the claims speak for themselves as to what features are included therein.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper and should be disregarded.

Respectfully submitted,

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Date: 9/25/15

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